

FAQs About IDEA 2004

IEP Meeting Excusal

A member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent and the local educational agency consent in writing to the excusal. The excused member must submit written input into the development of the IEP to the parent and the IEP Team prior to the meeting.

Are there members of the IEP team who cannot be excused from an IEP Team meeting?

The meeting must include at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); at least one special education teacher or special education provider; and at least one administrator or administrative designee.

Does a regular education teacher need to be excused from the meeting if a student only has material or method modifications in that teacher's area of the curriculum?

No. Such modifications as extended time on tests or shortened assignments are not considered modifications of the curriculum.

What "written input" must the excused IEP Team member provide?

The written input must clearly identify the student's present level of achievement and performance in the member's area of the curriculum or related services. The sample form provided by the Office of Public Instruction includes additional information which may be useful in developing the IEP.

How far in advance of the IEP meeting must the parent be provided written input by any excused IEP Team members?

The IDEA 2004 provides no guidance as to the time lines for providing the written input to the parent.

What if the written input is not provided in time for prior review and consideration by the parent?

The IEP Team member must attend the meeting.

How is the excusal from the IEP meeting documented?

The Office of Public Instruction has provided a sample form for this. Any excusal must clearly document the parent's consent for excusal prior to the IEP meeting and the member(s) to be excused. Copies of the written input from excused IEP Team members must be included in the IEP document.

When should the request for excusal be presented to the parent?

The request may be given to the parent at any time prior to the meeting. The request for excusal can be sent at the same time as the IEP meeting invitation.

What if the parent does not return the request for the excusal of specific IEP Team members?

The members must attend the IEP meeting.

What if the parent does not agree to the excusal of specific IEP Team members?

The members must attend the IEP meeting.

If the parent agrees to the excusal of specific IEP Team members but does not attend the meeting, must a new request for the excusal of specific IEP Team members be done for the rescheduled IEP meeting?

No.

Must the request for excusal identify the members to be excused by name or by area of curriculum or related service?

The best practice is to identify the name and area of curriculum for each member requested to be excused.

The reauthorized Individuals with Disabilities Education Act (IDEA) became effective on July 1, 2005. This list of Frequently Asked Questions (FAQ) sheet is one of a series from the Montana Office of Public Instruction which highlight changes resulting from the reauthorization of the IDEA. Additional changes may result from the final regulations.

If you have further questions, please contact your local special education director or the Montana Office of Public Instruction. A complete listing of current OPI IDEA FAQs can be found at www.opi.mt.gov/speced/FAQs.



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